UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,279	03/06/2002	Bruce Bent	11559-003-999	7722

20583   7590   07/30/2003

PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

EXAMINER
DASS, HARISH T

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	10/092,279	BENT ET AL.
	Examiner	Art Unit
	Harish T Dass	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 March 2002</u> .

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-57</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-57</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)　　　　　4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)　　5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .　　6) ☐ Other: .

DETAILED ACTION

~~Typo error – In claim 52 a minor typo error, should read "computer system" not "system".~~

Claim Objections

Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

A proper dependent claim shall not conceivably be infringed by anything, which would not also infringe the basic claim. See MPEP § 608.01(n), Section III. However, the depending claim 30 recite "A program product comprising a computer readable medium having encoded program data for causing a computer to perform the steps of claim 15". Applying the infringement test, what is needed to infringe claim 30 is, for example, a CD-ROM having computer executable code that if and when executed would cause a computer to do the calculating, ranking and selecting steps. However, such a CD-ROM would not infringe the method steps of claim 15 since the CD-ROM itself never performs any of the active steps of calculating, ranking, and selecting required by the method. In other words, mere possession of such a CD-ROM would infringe claim 30, but this is not enough to infringe claim 15. As a result, claim 30 is an improper dependent claims.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

The Supreme Court has repeatedly held that abstractions are not patentable. "An idea of itself is not patentable".

Data Structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the medium which permit the data structure's functionality to be realized, and is statutory. The claimed invention is a series of steps. These claims merely recite an abstract idea without any limitation to a practical application in the technological arts.

Claims 31-44 and 57 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory

subject matter, particularly, an abstract idea.

The Examiner notes that the disclosed invention is within the technological arts. The claimed invention is also noted not to be a computer program, data structure, a natural phenomenon, a non-descriptive material per se. The claimed invention does not include a series of steps to be performed by a computer. The claimed invention also is not a product for performing a process, nor is it a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction. Claims 31-44 and 57 do not appear to correspond to a specific machine or manufacture disclosed within the instant specification and thus encompass any product of the class configured in any manner to perform the underlying process. Claims 31-44 and 57 do not appear to correspond to a specific machine or manufacture, and thus encompass any product of the class configured in any manner to perform the underlying process. The claimed invention of claims 31-44 and 57 also do not include a post-computer process activity or a pre-computer process activity. Thus, no physical transformation is performed, no practical application in the technological art is found. Consequently, claims 31-44 and 57 are analyzed based upon the underlying process, and are thus rejected as being directed to a non-statutory process.

See State Street Bank & Trust Co. V. Signature Financial Group Inc., 47 USPQ2d 1597 (Fed. Cir. 1998) where the Federal Circuit held that: " [T]he transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it provides "a useful, concrete and tangible result".

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Use of statute, regulations or policy in the claim makes the claim vague and indefinite

since statute, regulations or policy is subject to change in the future.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano

et al (hereinafter Vitagliano – US 5,206,803) in view of Atkins (US 5,884,285) and Norris

(US 6,105,007).

Re. Claims 1, 15, 31, and 45 Vitagliano discloses a data processing apparatus (system)

and method for managing a plurality of accounts that can be accessed for credit tied to

and in communication with an associated pension plan as an underlying source of

capital [see entire document for all limitations, particularly, Abs], and a processor [Fig. 2

(200); C3 L52-L62], and a memory operatively coupled to the processor, the memory

including program data for causing the processor to perform the steps of [210, fig 2; C3

L52-L62], and data representing the value of funds derived from the participant's

benefit-plan assets and transferred from the benefit plan upon establishment of the loan

fund, wherein the loan fund is managed by an investment manager and is recorded in

the benefit-plan as an asset of the participant [see entire document particularly, Abs;

Figure 1-3; C1 L55-L66; C2 L61-L64; C4 L25-L30; C5 L8 to C6 L10], and (ii) accept

funds into the loan fund from the participant in repayment of redemptions, and updating

the stored loan-fund information with data representing fund transfers from and

acceptances into the loan fund, whereby redemptions from and repayments to the

participant's loan fund occur without access to the participant's benefit-plan assets [C3

L12-L41; C4 L43-L68; C5 L7 to C6 L18]. Vitagliano, explicitly, does not disclose

initializing loan-fund information stored in a computer database upon establishment of a

loan fund for the participant and fund transfer and computer database and program.

However, Atkins discloses initializing loan-fund information stored in a computer

database upon establishment of a loan fund for the participant, and database, and

program [Abs; C9 L34-L46; C20 L11-L124; C25 L2-L35]. Further, Norris discloses

electronic fund transfers to borrower and arranging for repayment [Abs; Fig. 1; C1 L22-L34; C2 L55-L67].

It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclose of Vitagliano and computer database and database account initialization, as taught by Norris and Atkins, to store client account information, amount of the loan, asset or liability and deposit/withdraw funds from source of funds to/from deposit account for future use and data retrieval.

Re. Claim 2, Vitagliano discloses acceptance into the loan fund and update the loan-fund information upon receipt of data from the investment manager computer system representing an accrual of interest into the loan fund [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C5 L7 to C6 L18].

Re. Claim 3, Vitagliano discloses initialize (new account) the loan-fund information upon receipt of data from the benefit-plan computer system representing establishment of the loan-fund [C2 L50-L68; C3 L52 to C4 L24], and exchange status data with the benefit-plan computer system, wherein the computer system exchanges at least a representation of a current loan-fund balance, and wherein the benefit-plan computer system exchanges at least representation of limitations on the participant's redemptions [C2 L50-L68; C3 L22 to C4 L24; C4 L47-68].

Re. Claims 4-7, Vitagliano discloses wherein the program data further causes the

processor to generate data representing a request to transfer funds from the loan fund

upon receipt of data from the access-vehicle-settlement computer system representing

a request for settlement for the participant's uses of the access vehicle [C1 L5-L11; C4

L47-L68], and   equal to a line of credit (LOC) value; and generate data to the access-

vehicle-settlement computer system representing a refusal of the proposed redemption

only if the proposed redemption is greater than the LOC value [Fig. 3; C4 L25-L55], and

wherein the LOC value does not exceed an available loan amount (ALA) value

determined in accordance with statute, regulation [Fig. 3; C4 L25-L55], and   receive

data from the access-vehicle-settlement computer system representing at least one

redemption by the participant made by a use of the access vehicle; and update data

representing the LOC value in response to the received data by decreasing the LOC

value by the total value of the redemptions [Fig. 3; C4 L25-L58].

Re. Claim 8, Vitagliano, explicitly, does not disclose a communication interface for

exchanging data between the computer system and a computer system of a funds-

acceptance provider, wherein the program data further causes the processor, upon

receipt of data from the funds-acceptance-provider computer system representing the

participant's payment of funds to the funds-acceptance provider, to generate data

representing a request for acceptance of funds into the loan fund. However, Norris

discloses this step [Fig. 1; C2 L36-L68; C12 L35-L57].

It would have been obvious to one of ordinary skill in the art at the time the Applicant's

invention was made to combine discloses of Vitagliano and Norris to allow electronic

fund transfer and arrange communication between the participants accounts and

financial institutions provided service.

Re. Claim 52, Vitagliano discloses receive data from funds-acceptance-provider

computer system (system) representing at least one payment by the participant [C3

L52-L68; C5 L7 to C6 L18], and update data representing the LOC value in response to

the received data by increasing the LOC value by the value of the payment [Fig. 3; C4

L25-L58].

Re. Claim 9, Vitagliano discloses a credit card [C3 L32-L35].

Re. Claims 10-12, Vitagliano discloses wherein the program data further causes the

processor to generate data representing loan-fund statement information and

repayment [C3 L52-L68; C6 L10-L18], and wherein the required repayment amounts

and times are determined in dependence on the total redemptions that have not yet

been repaid and in accordance with policy (code) to preserve tax-advantaged treatment

of the participant's redemptions [C3 L22-L52], and generated data is transmitted to the

participant [Fig. 2 (220 & 270); C4 L44-L47]. Vitagliano, explicitly, does not disclose

informing the participant of required repayment amounts and times and wherein the

generated data is transmitted to the participant by means of the Internet network or a

telephone network. However, informing the participant of required repayment amounts

and times and transmitting account summary statement by Internet network (using

modem and public telephone network system) are commonly will known to credit card

holders particularly to those who subscribe to credit card electronic statements. It would

have been obvious to one of ordinary skill in the art at the time the Applicant's invention

was made to modify disclose of Vitagliano and add generation of account statement

which includes repayment amount, due time, and transmitting the account statement

over Internet or telephone network (i.e., via email, download with modem, html format)

to add this step to alert the borrower of payment due and reduce the paper mailed

volume.

Re. Claims 13-14, Vitagliano, explicitly, does not disclose wherein the program data

further causes the processor, upon receipt of data representing a participant request, to

generate data representing loan-fund status for informing the participant of recent

redemptions, and wherein the generated data is periodically transmitted as messages

grouped into computer files. However, these steps are commonly will known to one skill

in the art of financial institutions to add these steps to update the participants accounts

at a particular time to save time and achieve cast reduction.

Re. Claims 16-18, and 24 Vitagliano discloses wherein the loan-fund information

comprises data representing at least a loan-fund balance [C2 L50-L68; C3 L22 to C4

L24; C4 L47-68], and wherein loan-fund balance is updated in response to receipt of

data from the investment-manager computer system representing funds transfer

(transmit) from [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C4 L47-L52; C5 L7 to C6

L18], and generating data for the benefit-plan computer system representing the

current loan-fund balance for the benefit plan, and receiving data from the benefit-plan

computer system representing the limitations on the participant's redemptions [[C2 L50-

L68; C3 L52 to C4 L24; C4 L47-68], and wherein the loan-fund balance is further

updated in response to receipt of data from the investment-manager computer system

representing a repayment [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C4 L47-L52; C5

L7 to C6 L18].

Re. Claim 19, Vitagliano, explicitly, does not disclose a step of generating data

representing a request for acceptance of funds into the loan fund from a funds-

acceptance provider in response to receipt of data representing the participant's

repayment of funds to the funds-acceptance provider. However, Norris discloses this

step [Fig. 1; C2 L36-L68; C12 L35-L57]. It would have been obvious to one of ordinary

skill in the art at the time the Applicant's invention was made to combine discloses of

Vitagliano and Norris to allow the financial institutions to accept (approve payment) and

arrangement fund transfer between the participants accounts and financial institutions

provided service

Re. Claims 20-23, Vitagliano discloses receiving data representing settlement requests

from a settlement system that processes uses of the access vehicle, and wherein data

representing requests to transfer funds from the loan fund to settle redemptions is

generated in response to receipt of request data from the access-vehicle settlement

system [Abs; C1 L5-L11; C4 L47-L68], and receiving data from the access-vehicle-

settlement computer system representing at least one redemption by the participant

made by a use of the access vehicle; and updating data representing an LOC value in

response to the received data by decreasing the LOC value by the total value of the

redemptions that have not been repaid [Fig. 3; C4 L25-L58], and receiving data from

the access-vehicle-settlement system representing a proposed redemption to be made

by a participant's proposed use of the access vehicle; generate data to the access-

vehicle-settlement system representing an authorization of the proposed redemption

only if the proposed redemption is less than line of credit (LOC) value; and generate

data to the access-vehicle-settlement system representing a refusal (disapprove) of the

proposed redemption only if the proposed redemption is greater than the LOC value

[Fig. 3; C4 L25-L58]

Re. Claims 25-26, Vitagliano discloses step of generating data representing loan-fund

statement information]C3 L52-L68; C6 L10-L18], and wherein the required repayment

amounts and times are determined in dependence on the total redemptions that have

not yet been repaid and in accordance with policy (code) to preserve tax-advantaged

treatment of the participant's redemptions [Fig. 2 (220 & 270); C4 L44-L47]. Vitagliano,

explicitly, does not disclose informing the participant of required repayment amounts

and times. However, informing the participant of required repayment amounts and times

are commonly will known to credit card holders who get credit card activity statement and payment vouchers. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclose of Vitagliano and add this step to alert the borrower of payment due to avoid extra charges and exceeding the limits.

Re. Claim 27, Vitagliano discloses a credit card [C3 L32-L35].

Re. Claim 28, Vitagliano, explicitly, does not disclose wherein the generated data is periodically transmitted as messages grouped into computer files. However, these steps are commonly will known to one skill in the art of financial institutions to update all of the accounts at a particular time to save time and achieve cast reduction.

Re. Claim 30, Vitagliano, explicitly, does not disclose computer readable medium having encoded program data for causing a computer. However, this is will known to make the program software available when computer is rebooted.

Re. Claim 32, Vitagliano discloses wherein the step of establishing further comprises requesting the benefit plan to transfer funds to the loan fund [Abs; C1 L5].

Re. Claim 33, Vitagliano, disclose wherein the value of the funds transferred from the

benefit plan is less than the value of participant's vested assets in the benefit plan [Abs;

Figure 1-3; C1 L55-L66; C2 L61-L64; C4 L25-L30; C5 L8 to C6 L10].

Re. Claim 34, Vitagliano, disclose wherein the participant's benefit-plan assets further

comprise a stock [C2 L49].

Re. Claims 35-36, Vitagliano, disclose wherein the access vehicle includes a credit card

[C3 L32-L35], and wherein the participant makes a plurality of redemptions from the

loan fund by a plurality of uses of the access vehicle [C3 L32-L35].

Re. Claims 37-38, Vitagliano, disclose further comprising a step of authorizing a

participant's proposed redemption from the loan fund only if the total of the proposed

redemption and past redemptions that have not yet been repaid is equal to or less then

an available line of credit (LOC) value determined for the participant [C4 L6-L68], and

wherein the LOC value is equal to or less then an available loan amount (ALA) value

which depends upon the value of the participant's vested assets in the benefit plan [Fig.

3; L6-L68].

Re. Claims 39-40, Vitagliano discloses updating the loan-fund balance by (i) increasing

the balance upon receipt of funds transferred from the benefit plan and (ii) decreasing

the balance upon transferal of funds for settlement of redemptions; and sending

(transmit) periodically to the benefit plan of information representing the current loan-fund balance [C4 L6-L68].

Re. Claim 41, Vitagliano discloses wherein the loan-information is further updated when the investment manager accrues into the loan fund dividends earned on the loan fund or interest paid by the participant on redemptions from the loan fund [C2 L50-68].

Re. Claims 41-43, Vitagliano discloses wherein the steps of establishing to preserve tax-advantaged treatment of the participant's redemptions [Fig. 2 (220 & 270); C1 L5-L20; C4 L44-L47], and wherein the statute, regulation, or policy includes one or more of the provisions of 26 U.S.C. §§ 1 and 401 et seq., and 29 U.S.C. § 1001 et seq. and any other similar programs (tax code) [C1 L13-L33; C2 L44].

Re. Claim 44, Vitagliano discloses wherein, upon establishment, the loan fund is structured as a sub-custodian (assumed ...) [C2 L36-L49].

Re. Claim 46, Vitagliano discloses program means for causing the processor means to generate data for the benefit-plan computer system representing the current loan-fund balance for the benefit plan, and program means for causing the processor means to receive data from the benefit-plan computer system representing the limitations on the participant's redemptions [C2 L50-L68; C3 L22 to C4 L24; C4 L47-68].

Re. Claim 47, Vitagliano, explicitly, does not disclose means for causing the processor

means to generate data representing a request for acceptance of funds into the loan

fund from a funds-acceptance provider in response to receipt of data representing the

participant's repayment of funds to the funds-acceptance provider. However, Norris

discloses this step [Fig. 1; C2 L36-L68; C12 L35-L57].

In would be obvious to one skill in the art at the time of

To allow the financial institutions to accept (approve and deposit) and arrangement fund

transfer between the participants accounts and financial institutions provided service

Re. Claim 48, Vitagliano discloses means for causing the processor means to receive

data representing settlement requests from a settlement system that processes uses of

an access vehicle, and wherein data representing requests to transfer funds from the

loan fund to settle redemptions is generated in response to receipt of request data from

the access-vehicle-settlement system [C1 L5-L11; C4 L47-L68].

Re. Claim 49, Vitagliano discloses means to receive data from an access-vehicle-

settlement computer system representing at least one redemption by the participant

made by a use of the access vehicle [C1 L5-L11; C4 L47-L68], and program means for

causing the processor means to update data representing an LOC value in response to

the received data by decreasing the LOC value by the total value of the redemptions

that have not been repaid [Fig. 3; C4 L25-L58].

Re. Claim 50, Vitagliano discloses means for causing the processor means to receive

data from the access-vehicle-settlement system representing a proposed redemption to

be made by a participant's proposed use of the access vehicle [C1 L5-L11; C4 L47-

L68], program means for causing the processor means to generate data to the access

vehicle-settlement system representing an authorization of the proposed redemption

only if the proposed redemption is less than or equal to a line of credit (LOC) value [Fig.

3; C1 L5-L11; C4 L25-L58], and program means for causing the processor means to

generate data to the access vehicle-settlement system representing a refusal of the

proposed redemption only if the proposed redemption is greater than the LOC value

[Fig. 3; C1 L5-L11; C4 L25-L58].

Re. Claim 51, Vitagliano discloses means for causing the processor means to generate

data representing loan-fund statement [C3 L52-L68; C6 L10-L18]. Vitagliano, explicitly,

does not disclose informing the participant of required repayment amounts and times.

However, informing the participant of required repayment amounts and times are

commonly will known to credit card holder. It would have been obvious to one of

ordinary skill in the art at the time the Applicant's invention was made to modify disclose

of Vitagliano and add this step to alert the borrower of payment due.

Re. Claims 53-54, Vitagliano discloses

Re. Claims 53-54, Vitagliano discloses participant's benefit-plan assets of accrued interest paid by the participant on redemptions from the loan fund, and participant's benefit-plan assets of accrued dividend funds earned on the loan fund and generating report [C2 L50-68; C3 L63 to C4 L5-L68]. Vitagliano, explicitly, does not disclose generate data representing a transfer. However, it is will known and common banking practice that accrued dividend and interest are posted to the accounts.
would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Re. Claim 55, Vitagliano discloses comprising updating the loan fund information in response to receipt of data from the investment-manager computer system representing posting of (i) interest paid by the participant on redemptions from the loan fund [C2 L50-68; C3 L63 to C4 L5-L68].

Re. Claim 56, Vitagliano, explicitly, does not disclose generate data representing a transfer. However, it is will known and common banking practice that accrued dividend and interest are posted to the accounts. would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Re. Claim 57, Vitagliano, explicitly, does not disclose requesting the investment manager to transfer accrued dividend and interest funds from the loan fund to the benefit plan. However, it is will known and common banking practice that accrued dividend and interest are posted to the accounts. would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US Pat. 5,689,100 to Carrithers, November 18, 1997 "Debit card system and method for implementing incentive award program", this invention discloses system for implementing
an incentive award program which employs debit cards. It is another object of this invention to provide a system which implements an incentive award program which minimizes or eliminates the need for paperwork to support transactions by which participants obtain rewards, and track such said earnings, redemption and accounts.

US Pat. 4,346,442 to Musmanno, August 24, 1982 "Securities brokerage-cash

management system", this invention discloses a financial business systems and, more

specifically, to data processing methodology and apparatus for effecting an improved

securities brokerage and cash management system, and to provide an improved

brokerage/cash management system.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Harish T Dass whose telephone number is 703-305-

4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-305-7687

for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

Harish T Dass   H7 D
Examiner
Art Unit 3628

7/18/03
July 21, 2003

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600